



In The United States Patent and Trademark Office

Application Number: 10/080,855
Applicants: Kenneth Hu
Filing Date: 02/22/2002
Title: Method of Evaluating Security Trading Capacity

Examiner: Nga B Nguyen
Group Art Unit: 3692

Date: September 23, 2008

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

This is a response to the restriction requirement in the Office Action dated 06/27/2008. The applicant chooses Species I as the elected single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant provisionally elects with traverse to prosecute the invention of original claims 1-11, 20-22, 38, 39, 44 and 47 for examination since those elected claims read on the above elected embodiment.

Notwithstanding the propriety of the restriction requirement is discretionary on the part of the Examiner. Further, the claims 12-19 and 23-37 are dependent claims to include more limitations by adding an additional step (b.2) after the step (b) as claimed in claim 1 and claim 11 respectively and claims 40-43 are dependent claims to include more limitations by adding an additional step too. In other words, the claims 12-19, 23-37 and 40-43 are combination claims of the subcombination claims 1, 11 and 14 respectively that would not represent "a materially different" method of evaluating security trading capacity and therefore does not meet the criteria for distinctness as set forth in MPEP 806.05(f). Moreover, it would appear that a search and examination of the entire application can be conducted without a serious burden on the Office.

Therefore, it is respectfully requested the Examiner withdraw the restriction requirement and issue an action on the merit of the claimed embodiments presently in the application. Alternatively, should the Examiner maintain the requirement, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this corresponding will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 09/24/2008

Signature

Person Signing: Raymond Y. Chan

